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TAGS: [PGOV](#) [PREL](#) [PINR](#) [UP](#)
SUBJECT: UKRAINE: PM YANUKOVYCH -- DEFENDER OF THE
CONSTITUTION?

Classified By: Ambassador for reasons 1.4 (b,d).

11. (C) Summary: Prime Minister Viktor Yanukovych stressed with EUR DAS Kramer and Ambassador October 4 that constitutional reform had created a new governing framework in which Parliament (Rada) established government policy, and President Yushchenko together with Yanukovych and the cabinet of ministers implemented it. Yanukovych claimed that he was holding "radical elements" of the governing coalition in check and attempting to preserve presidential prerogatives within this new framework. A strong president would benefit the government as a whole. Yanukovych said he was attempting to maintain good relations with Yushchenko and had downplayed an incident when Yushchenko had snubbed him by failing to appear at an event after saying he would attend. Yanukovych predicted Our Ukraine would join the coalition within "a week." (Embassy Note: Yanukovych's statement was made as OU's Bezsmertniy was announcing to the press that his faction had voted to move into opposition. End Note.)

12. (C) Comment: Yanukovych projected himself as a reasonable and statesman-like politician, beginning the meeting with an anecdote about his youthful aversion to becoming a politician, and placed the blame for continued political wrangling entirely on President Yushchenko. His comments regarding his intention to try to work with the president, to fight corruption, and to seek WTO membership were clearly targeted toward his audience. His relaxed attitude also indicated that he senses that he has the upper hand over Yushchenko. His argument that the Rada sets government policy, however, favors his position as leader of the Rada's largest political force and glosses over the real ambiguities regarding the process by which constitutional reform was adopted. Whether the pro-presidential Our Ukraine bloc joins his coalition or not, Yanukovych could begin turning his attention from politics to the serious issues of governance still facing him. President Yushchenko's lack of sustained engagement increases Yanukovych's chance of success. End summary/comment.

13. (C) EUR DAS David Kramer and Ambassador met with Prime Minister Viktor Yanukovych October 4 in a 2 1/2-hour meeting that was supposed to be just one hour. PM Foreign Policy Adviser Anatoliy Orel, MFA DFM Andriy Veselovsky, and PM Chief of Staff Sergiy Lovochkin also joined the meeting. This report covers Yanukovych's comments on the domestic political situation; his comments on economic and bilateral issues will be reported septel.

Relations with Our Ukraine

14. (C) Yanukovych said that, while a governing coalition had been formed on the basis of a democratic process, the coalition still did not include the pro-Presidential Our Ukraine bloc (OU) for both objective and subjective reasons. Principally, the governing coalition and OU had a different

understanding of the implications of new constitutional reforms. Yanukovych and his supporters were working patiently to overcome this difference so that powers could be properly allocated between the President and the government. Once this was done, Yanukovych intended to work on creating a mechanism of cooperation between the President and government. Yanukovych said cooperation with the President was a personal priority and he would not allow "radical elements" in his Party of Regions to divert him from this goal. Of the 186 Regions deputies in the Rada, no more than 10 were radicals, so he would be guided by the majority view of his party.

15. (C) Another obstacle to the formation of a coalition with OU was the lack of unity within OU that resulted because OU was a coalition of six different parties, Yanukovych explained. Unfortunately, OU's expectations exceeded the strength of its seats in the Rada. OU's leadership constantly appealed to President Yushchenko when dissatisfied with the results of direct talks with Party of Regions, putting Yushchenko in an awkward position. After all, Yanukovych noted, Yushchenko could not take cabinet minister posts from other parties and arbitrarily award them to OU. In one-on-one meetings, Yushchenko requested Yanukovych's help in satisfying OU, but Yanukovych had replied frankly that OU should have worked harder to get a higher proportion of Rada seats. Yushchenko had said he could not reply in such a fashion to his supporters.

The Rada's Role

16. (C) Yanukovych said he could understand Yushchenko's demand that he preserve his prerogatives to the maximum

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possible, but, while "desire is desire, the constitution is the constitution." Yushchenko should have tried to preserve his powers during negotiations on the constitutional reforms, but now it was too late. Rather than resorting to the Constitutional Court, Yanukovych preferred to leave constitutional reform implications for the legal experts of the Presidential Secretariat and Cabinet of Ministers to sort out.

17. (C) Constitutional questions had arisen during his visit to Brussels, but Yanukovych argued that he had acted properly. He had taken a balanced and careful approach to questions of European and Euro-Atlantic integration after consultations with the Rada and in line with policies worked out between the Rada and the Cabinet of Ministers. This was in line with the constitutional reforms, Yanukovych argued, that made the Rada responsible for establishing government policies, which the President and Cabinet then implemented. Yanukovych had discussed the Rada's directives with Yushchenko beforehand, but Yushchenko had not agreed with the Rada.

18. (C) Yanukovych said he urged Yushchenko to hold a meeting of the coordinating council. Yanukovych did not want to be put in the position of former Prime Minister Yekhanurov, who had been unable to obtain the Rada's passage of an international military exercises bill. Future cooperation with NATO would require the Rada's support. With Rada support, public understanding and support for NATO membership would grow. Otherwise, public support for NATO would not recover from the 20 percent decline of the last few years.

Yanukovych the Statesman

19. (C) Yanukovych later in the meeting cited Yushchenko's bad faith. He said Yushchenko had agreed to participate with Yanukovych and Rada Speaker Moroz at a September 28 presentation of the government plan of action. Yushchenko said he wanted to meet an hour beforehand to discuss the plan

of action. Yanukovych and Moroz arrived at 9:00 a.m., but, at 10:00, a member of Yushchenko's staff telephoned to say that Yushchenko would not be showing up. Journalists had asked why Yushchenko was absent at a high-level event that included every other important government figure, but Yanukovych had said the question of whether to attend had been Yushchenko's. Yanukovych had waited two days to sign the plan of action in order to allow Yushchenko and his staff to provide comments, but none had been received.

¶10. (C) Yanukovych ended his initial presentation by stressing he wanted to be honest and predictable in his relations with other partners. He wanted to be sure to follow through on his commitments so that his partners trusted him and were not humiliated by broken promises. Yushchenko's agreement with his views was immaterial; everyone had to obey the constitution. OU should sign the agreement soon, since continued uncertainty was bad for the country. (Later, when Kramer asked, Yanukovych confidently predicted that OU would join the coalition "in a week.") Yanukovych added that he wanted to move Ukraine in a more positive direction by targeting corruption, moving toward WTO membership, and working steadily to enhance European and Euro-Atlantic integration.

¶11. (U) Visit Embassy Kiev's classified website:
www.state.sgov.gov/p/eur/kiev.
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